

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA

v.

MARCOS AURELIO RIOS-ARRIAZA

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No. 3:09-cr-00186-5

JUDGE TRAUGER

**DEFENDANT'S MOTION FOR
REVOCATION OF DETENTION ORDER AND TO SET BOND**

TO THE HONORABLE ALETA A. TRAUGER, UNITED STATES DISTRICT JUDGE FOR
THE MIDDLE DISTRICT OF TENNESSEE:

COMES NOW, the Defendant, Marcos Rios-Arriaza, by and through his attorney of
record, William I. Shockley, pursuant to 18 U.S.C. §3145(b) and files this motion to revoke
detention order and to set bond, and in support thereof would show the court the following:

I.

Mr. Rios was arrested on August 14, 2009 and subsequently indicted on August 19, 2009
for violating Title 21, U.S.C. §§ 841(a) and 846; conspiracy to possess with intent to distribute
and distribute more than 5 kilograms of cocaine. The offense is punishable by a term of not less
than 10 years nor more than life imprisonment. On August 19, 2009, defendant waived the
pretrial detention hearing and reserved the right to request that the hearing be conducted in the
future. At the request of the defendant, the pretrial detention hearing was heard by Magistrate
Judge Knowles on September 25, 2009. After hearing from the government and the defense,

Judge Knowles found that the government had established by clear and convincing evidence that the defendant was a danger to the community and by a preponderance of the evidence that he was a flight risk, and that no combination of conditions would assure his appearance at trial or protection of the public. Accordingly, the defendant was ordered detained pending trial.

II.

Defendant is a citizen of Honduras who has resided in the United States for the past ten years. He holds permanent resident status in the United States, which was granted to him on January 20, 2006.

Mr. Rios married Annie Hale in 2001, and the couple has resided together in the greater Nashville. Annie Hale Rios developed uterine cancer, and the defendant stuck by her side and helped care for her financially, spiritually and emotionally during very difficult times. Although the couple separated in August 2008, Mr. Rios still contributes to his wife's continuing medical expenses.

Mr. Rios has worked for Commercial Painting Inc. (CPI) since 2002, and was working as an assistant foreman up to the time of his arrest.

Mr. Rios purchased a small home in Antioch in 2006 where he resided until his arrest. He owns a 2007 Nissan Sentra.

Mr. Rios is not a gang member. He has never been arrested or convicted of a crime. He has never abused drugs, and is a moderate social drinker. He has a large network of friends and is a devoted stepfather and uncle. He is known in the community as a responsible and hardworking man.

WHEREFORE, Marcos Rios-Arriaza respectfully requests this court schedule a date and

timed for a hearing that evidence may be presented in furtherance of this motion.

Respectfully submitted,

s/ William I. Shockley

William I. Shockley (BPR #026137)

Attorney for Defendant

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served by electronic means through the CM/ECF filing system on the 25th day of September, 2009 to Brent Adams Hannafan, Assistant United States Attorney, 110 Ninth Avenue S, Suite A961, Nashville, Tennessee 37203.

s/ William I. Shockley

William I. Shockley (BPR #026137)